

REMARKS

Applicant thanks the Examiner for the detailed remarks. The proposed amendments include the cancellation of claims 2-5, 10, and 12-22, and the amendment of claims 1, 6-8, and 11. Accordingly, claims 1, 6-9, and 11 will be pending in the application if the proposed amendments are entered.

Applicant's representative, Matthew Koziarz, also thanks the Examiner for the telephone interview on April 15, 2009. Mr. Koziarz and the Examiner did not reach an agreement on allowability of the claims. The Examiner noted that many of the elements in at least claim 1 of the application appeared to be functional in nature and suggested that adding more structure to the claimed reference mark might advance the application towards allowance. Additionally, Mr. Koziarz and the Examiner discussed the claim term "diagramless" and the Examiner suggested explicitly including more detail of what Applicant intends to mean by this term. In these regards, the claims have been amended to include additional structure to define over the cited prior art and to further define the term "diagramless."

Claim 1 recites a diagramless crossword puzzle grid for entering answers to crossword puzzle clues. The diagramless crossword puzzle grid is "free of any black spacer squares within the grid that are between the blank answer spaces" (see application page 1, lines 15-16, and Figure 1). Additionally the term "reference mark" has been replaced with the term "reference image" to facilitate defining the structure. The reference image includes "portions within each of four quadrants of the grid" (see page 4, lines 1-14; page 5, lines 26-32). The reference image is also "rotationally symmetric about a midpoint of the grid such that the image is unchanged if rotated 180° relative to the midpoint." Each portion of the image in a given square and quadrant thereby corresponds to another, identical portion of the image in another square located in another of the quadrants at a rotationally symmetric location in the grid (page 3, lines 21-32). No new matter has been added.

Dependent claims 2-5 have also been cancelled, and claims 6-8 and 11 have been amended in accordance with the amendments of claim 1.

Independent claim 1 was rejected under §102(b) as being anticipated by Elum. As pointed out above, claim 1 of the present application recites that the "diagramless" grid is free of

any black spacer squares between the blank answer spaces. The grid of Elum (see Figure 1) should not be interpreted as a diagramless grid within the terms recited in claim 1 because the grid of Elum includes black spacer squares between the answer spaces (for example, see the black squares in the top row designated as "C"). Therefore, Applicant respectfully submits that Elum does not anticipate claim 1.

Claim 1 was also rejected under §103(a) as being unpatentable over LiDonnici in view of Elum. The Examiner appears to interpret the different shading patterns in Elum as being equivalent to the previously claimed reference mark (the "reference image" after amendment). As illustrated in Figure 1 of Elum, the different shading patterns indicate whether the letter that is to be placed in a particular square is a vowel, consonant, or a scrambled letter. Thus, the shading in the grid of Elum would vary depending upon the crossword puzzle clues and the answers that are to be entered. That is, the shading is somewhat random and would not form a rotationally symmetric image. For instance, considering all of the squares that have the shading pattern for the vowels, the pattern or image formed by these squares is not rotationally symmetric as claimed. If rotated 180° about the midpoint of the grid, the square in the top row of the grid, second in from the right having a "10" would be located two squares from the bottom left in the grid after rotation. However, the square second in from the bottom left has the shading for a consonant, not a vowel, and therefore is not an identical portion of the image, as claimed. Likewise, the shading for the consonants and scrambled letters also does not exhibit a rotational symmetry as does the claimed reference image. Thus, combining Elum with LiDonnici would not produce the arrangement recited in claim 1 of the present application.

Claim 1 was not subject to the remaining rejections, including the rejection of claims 8-10 under §103(a) as being unpatentable over Elum in view of Ferguson, and the rejection of claims 3-7 under §103(a) as being unpatentable over LiDonnici in view of Elum and Harris. Respectfully, these rejections should therefore be withdrawn.

The Examiner is invited to contact Applicant's representative, Matthew Koziarz, at 248-988-8695 if there are any questions or concerns that can be easily resolved by telephone.

Fees in the amount of \$130.00 for a one-month extension of time may be charged to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds P.C. Applicant believes

that no additional fees are necessary; however, the Commissioner is authorized to charge the same Deposit Account for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

/Matthew L. Koziarz/

Matthew L. Koziarz, Registration No. 53,154
400 W. Maple, Suite 350
Birmingham, MI 48009
(248) 988-8360

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